



Express Mail No. **EV 452 775 206 US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent of:	Chen et al.	Confirmation No.:	6007
Patent No.:	09/992,860	Art Unit:	1654
Issued:	November 14, 2001	Examiner:	Michelle C. Flood
For:	Black Tea Extract For Prevention Of Disease	Attorney Docket No.:	11592-025-999 (formerly RU-0173)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56 AND 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office ("PTO") of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references listed on the attached revised PTO 1449 form entitled "List of References Cited by Applicant."

References A01-A04, B01-B13 and C01-C10 are listed on the attached revised form PTO 1449. A copy of each of references B01-B13 and C01-C10 is submitted herewith.

Identification of the submitted references is not to be construed as an admission by Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references therein as "Prior Art." As an alternative, Applicants submit herewith a "revised PTO Form 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

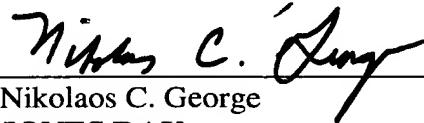
Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

NYJD: 1578127.1

This Information Disclosure Statement is being submitted before the mailing date of a first Office Action on the merits, therefore, pursuant to 37 C.F.R. § 1.97(b)(3), no fee is believed due. However, should the Patent Office determine otherwise, please charge any required fee to Jones Day Deposit Account No. 50-3013. A duplicate of this sheet is enclosed.

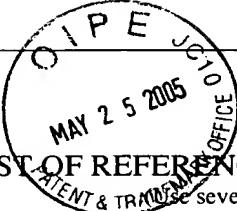
Respectfully submitted,

Date: May 25, 2005

  
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*Enclosures*

NYJD: 1578127.1

 <p><b>LIST OF REFERENCES CITED BY APPLICANT</b> <i>(use several sheets if necessary)</i></p>		ATTY. DOCKET NO. 11592-025-999	APPLICATION NO. 09/992,860
		APPLICANT Chen et al.	
		FILING DATE November 14, 2001	GROUP 1651

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	5,104,901					
	A02	5,989,557					
	A03	6,096,359					
	A04	6,410,061					

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	YES	NO
	B01	DE 10016771	10/24/02	Germany					
	B02	EP 0853943	7/22/98	EP					
	B03	JP 02-053717	2/22/90	Japan					
	B04	JP 06-009391	1/18/94	Japan					
	B05	JP 09-227374	9/2/97	Japan					
	B06	JP 10-072361	3/17/98	Japan					
	B07	WO 99/01148	1/14/99	PCT					
	B08	WO 99/08693	2/25/99	PCT					
	B09	WO 00/74662	12/14/00	PCT					
	B10	WO 01/03716	1/18/01	PCT					
	B11	WO 01/21137	3/29/01	PCT					
	B12	WO 01/21165	3/29/01	PCT					
	B13	WO 01/49285	7/12/01	PCT					

### OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	C01	de Maat et al., "Consumption of black and green tea had no effect on inflammation, haemostasis and endothelial markers in smoking healthy individuals", Eur J Clin Nutr. 2000 Oct;54(10):757-763
	C02	Katiyar et al., "Tea antioxidants in cancer chemoprevention", J Cell Biochem Suppl. 1997;27:59-67
	C03	Lin et al., "Theaflavin-3,3'-digallate from black tea blocks the nitric oxide synthase by down-regulating the activation of NF- $\kappa$ B in macrophages", Eur J Pharmacol. 1999 Feb 19;367(2-3):379-388
	C04	Miller et al., "The antioxidant properties of theaflavins and their gallate esters--radical scavengers or metal chelators?", FEBS Lett. 1996 Aug 19;392(1):40-44
	C05	Rogers et al., "Black tea and mammary gland carcinogenesis by 7,12-dimethylbenz[a]anthracene in rats fed control or high fat diets", Carcinogenesis. 1998 Jul;19(7):1269-1273
	C06	Shiraki et al., "Antioxidative and antimutagenic effects of theaflavins from black tea. Mutat Res. 1994 Jan-Feb;323(1-2):29-34
	C07	Stoner and Mukhtar, "Polyphenols as cancer chemopreventive agents", J Cell Biochem Suppl. 1995;22:169-180
	C08	Wiseman et al., "Antioxidants in tea", Crit Rev Food Sci Nutr. 1997 Dec;37(8):705-718
	C09	Yang et al., "Tea and tea polyphenols in cancer prevention", Symposium: Diet, Natural Products and Cancer Prevention: Progress and Promise. 2000, pp 472S-478S, American Society for Nutritional Sciences.



Yoshida et al., "Inhibitory effect of tea flavonoids on the ability of cells to oxidize low density lipoprotein", Biochem Pharmacol. 1999 Dec 1;58(11):1695-1703	
EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	